

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Peter Krottje)  
MEETING DATE: April 12, 2006

ITEM: 8

SUBJECT: **Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Napa River Watershed Pathogen Total Maximum Daily Load (TMDL) and Implementation Plan—Hearing to Consider Adoption of Proposed Basin Plan Amendment**

CHRONOLOGY: February 2006 – Public Notice of Proposed Basin Plan Amendment and Supporting Staff Report

DISCUSSION: This is the first of two hearings on a Basin Plan Amendment to establish a TMDL and implementation plan to control pathogen discharges in the Napa River watershed and protect the public from exposure to waterborne illness. The proposed Basin Plan amendment and supporting staff report (Appendix A) were available for public comment for 45 days. This hearing provides an opportunity for stakeholders to communicate their interests directly to the Board and for Board members to ask questions of staff and stakeholders.

During development of this TMDL, we offered many opportunities for stakeholder input and public participation. Prior to development of the Proposed Basin Plan Amendment and supporting Staff Report, we released our initial project report and draft staff report for public comment and stakeholder input. In addition, the scientific basis of the TMDL was favorably reviewed by an independent academic peer reviewer.

The second step of this two-step hearing process is currently scheduled for the June 2006 Board meeting. By then, we will have completed responses to all written comments and comments presented at this first hearing, and we will revise the proposed Basin Plan amendment and staff report as necessary. The Board will then be able to both consider the comments and responses and to establish the TMDL by adopting the proposed Basin Plan amendment.

### **Background**

A TMDL is necessary because the Napa River is listed as impaired by pathogens. Currently, water quality standards for contact recreational use are not met at several locations within the watershed.

The most common sources of pathogens are wastes from warm-blooded animals, including humans, livestock, domestic pets, and wildlife. Elevated levels of fecal coliform bacteria have been observed in the Napa River since the 1960s; the presence of these bacteria tells us that people who wade, swim, or fish in these waters may be exposed to waterborne pathogens and at are risk of contracting waterborne diseases such as hepatitis and gastroenteritis. Controllable pathogen sources in the Napa River watershed are septic systems, sanitary sewer systems, urban runoff, grazing operations, confined animal facilities, and treated municipal wastewater discharges.

## **Solving the Problem**

The proposed Basin Plan amendment would establish the following for the Napa River and its tributaries:

- Numeric bacteria targets that protect water quality
- A prohibition against all discharges of inadequately treated human waste
- TMDL allocations for pathogen source categories
- An implementation plan for the TMDL
- A plan and schedule for evaluating and monitoring progress toward meeting the targets

The implementation and monitoring/evaluation plans for pathogens in the Napa River watershed anticipate an adaptive approach. Adaptive implementation involves taking actions commensurate with available data and information, while continuing to improve our understanding of the problem and its potential solutions. Inherent to this approach is staff's commitment to regularly review and revise the TMDL and implementation plan as we gain knowledge.

The implementation plan requires entities within controllable source categories to undertake all reasonable and feasible measures to reduce their contributions of pathogens (or fecal coliforms) to the watershed. This plan builds upon previous and ongoing successful efforts to reduce pathogen loads in the Napa River and its tributaries and requires actions consistent with the state's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. Local agencies and municipalities will be required to evaluate septic systems, sanitary sewer lines, and stormwater management practices and develop and implement plans for correcting deficiencies within the framework of existing or forthcoming regulatory programs such as municipal stormwater management programs and sanitary sewer management plans. Grazing lands operators and confined animal facilities are expected to implement actions consistent with management of these sources elsewhere in the Region and the state.

## **Public Comments**

We have received six letters (Appendix B) regarding the proposed Basin Plan amendment and staff report. We summarize some of the major comments and our preliminary responses below.

### Napa County Board of Supervisors

The County is responsible for permitting and inspecting septic systems in the watershed. County staff expresses support for improving water quality in the Napa River; however they question 1) whether septic systems are a significant pathogen source, and 2) how the TMDL would interface with pending statewide standards for septic systems. In addition, the County expresses concern about fiscal impacts to homeowners and local government.

We are confident that faulty septic systems are a significant pathogen source, particularly in certain areas, and that actions must be taken now to protect recreational users from waterborne disease. The proposed implementation measures provide flexibility for the County to formulate a prioritized, site-specific plan and schedule to address faulty septic

systems. We will work with the County to refine the details of the implementation plan and our economic analysis.

The County also questions the adequacy of our stakeholder involvement process. However, we met with County staff on several occasions, beginning in 2004, and held two public meetings in 2005. We will continue to work closely with the County and with local stakeholders and interested residents through the implementation of this TMDL.

#### Napa Sanitation District

The Napa Sanitation District provides sanitary sewer service to the City of Napa. The District emphasizes that implementation actions should be consistent with the Water Board's Sanitary Sewer Management Plan (SSMP) guidelines and requests that we clarify this in the Staff report and Basin Plan amendment. The District also comments that more rigorous sampling and analysis is needed to evaluate the extent to which sewer lines are a problem.

We will work with the District to ensure consistency between this TMDL and the SSMP guidelines. Although additional sampling and analysis would provide useful information, action is needed now. We propose to conduct such sampling as part of an adaptive implementation and evaluation/monitoring plan to allow action while we continue to gather information.

#### City of Calistoga Department of Public Works

This Department provides sanitary sewer service to the City of Calistoga. Their concerns are very similar to those expressed by Napa Sanitation District, and are addressed above.

#### Friends of the Napa River

The Friends of the Napa River express support for the TMDL and implementation actions, and suggest that education and outreach should play an important role in making the Napa River safe for swimming and related activities. We agree and look forward to working with the Friends and other concerned parties to achieve this goal.

#### Sierra Club

The local branch of the Sierra Club applauds our efforts and expresses support for continuing proactive solutions to water quality problems in the Napa River.

#### US EPA

US EPA supports our use of *E. coli* as a pathogen indicator. Their correspondence offers a number of constructive comments and suggested changes to make sure that the TMDL will be consistent with our Region's existing water quality objectives as well as forthcoming statewide water quality objectives for bacteria. We will continue to work with US EPA to make the appropriate changes, while implementing the most current US EPA guidance with regard to bacteria objectives.

#### RECOMMEN- DATION

No action is necessary at this time

#### APPENDIX:

A-Proposed Basin Plan Amendment and Supporting Staff Report, *Pathogens in the Napa River Watershed, Total Maximum Daily Load* (February 10, 2006).  
B-Comment Letters